

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-GUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, BENJAMIN SHUMATE, BRITTANY TATIANA WEAVER, and CAMERON WILLIAMS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF TECHNOLOGY, UNIVERSITY OF CHICAGO, THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, CORNELL UNIVERSITY, TRUSTEES OF DARTMOUTH COLLEGE, DUKE UNIVERSITY, EMORY UNIVERSITY, GEORGETOWN UNIVERSITY, THE JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, NORTHWESTERN UNIVERSITY, UNIVERSITY OF NOTRE DAME DU LAC, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, WILLIAM MARSH RICE UNIVERSITY, VANDERBILT UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125-MFK

Hon. Matthew F. Kennelly

**DECLARATION OF DAVID GRINGER IN SUPPORT OF PENN'S MEMORANDUM
OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL (ECF No. 540)**

I, David Gringer, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I have been admitted pro hac vice before this Court. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP and am counsel for Defendant The Trustees of the University of Pennsylvania ("Penn").

2. Plaintiffs moved to compel Defendants in this matter to serve FERPA notices upon certain students on September 25, 2023. Now, they move to compel Defendants to produce a broad set of documents related to these same students.

3. On October 31, 2023, Plaintiffs' counsel wrote an email indicating that Plaintiffs selected one student to be subjected to their motion to compel because her LinkedIn profile said that she needed six years to graduate from high school. Attached hereto as **Exhibit 1** is a true and correct copy of that email. Attached hereto as **Exhibit 2** is a true and correct copy of that school's website indicating that the school includes grades 7 through 12: six years.

4. During a meet and confer on November 3, 2023, Lead Counsel for Plaintiffs Robert Raymar stated that Plaintiffs identified the students at issue by "shooting in the dark."

5. After this Court ordered that Penn and other schools serve FERPA notices, Penn's Associate General Counsel, Jay Canavan, emailed these FERPA notices to 23 students/former students on Plaintiffs' list on October 27, 2023. Mr. Canavan sent 11 more FERPA notices through email and mail on November 3, 2023.

6. On a November 29, 2023, meet and confer and subsequent email, Penn's counsel agreed to provide Plaintiffs with the unique identifiers ("UIDs") that correspond with the names of the non-objecting students, which Plaintiffs can use to locate each student's admissions structured data. Attached hereto as **Exhibit 3** is a true and correct copy of that email correspondence. Attached hereto as **Exhibit 4** is a true and correct copy of email correspondence between Plaintiffs' counsel and Penn's counsel from November 30, 2023, in which Plaintiffs' counsel, Robert Litan, confirmed that Plaintiffs had found no gaps in Penn's structured data.

7. Penn has also already produced responsive documents from the Admissions Office that contained (1) any one of dozens of mutually negotiated words related to wealth or donations and (2) the names of the parents of all but one of *the very same students at issue here*. Penn will agree to produce similar documents for the one remaining student. During the November 29, 2023, meet and confer, Penn also agreed to reproduce any of those documents that contain the names of these students or their parents, without redacting their names.

8. Penn has already produced the “BSI” designations and spreadsheets that Plaintiffs cite and Plaintiffs will be able to use the UUIDs to see if any non-objecting students appear on these lists.

9. Attached hereto as **Exhibits 5, 6, and 7** are true and correct copy of this Court’s statements in prior hearings in which this Court did not grant discovery into the President’s and Development Offices.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from former Dean of Admissions John McLaughlin’s deposition held on July 12, 2023.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from former Dean of Admissions Eric Furda’s deposition held on November 16, 2023.

12. Attached hereto as **Exhibit 10** is a true and correct copy of an excerpt from Sara Harberson’s deposition on October 25, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of December, 2023 in New York, New York.

/s/ David Gringer

David Gringer